

FEBRUARY 19, 1835.

Read twice, and committed to a Committee of the Whole House to-morrow.

Mr. GILMER, from the Committee on Indian Affairs, reported the following bill:

A BILL

To secure, in perpetuity, to the Cherokee Indians residing east of the Mississippi, a country west of that river; to extinguish their right of occupancy in Georgia; to provide for the removal of such as are desirous of migrating; and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That*
3 the President of the United States be, and he is hereby, au-
4 thorized to cause to be issued to the Cherokee Indians,
5 agreeably to the act of Congress of the twenty-eighth of May,
6 one thousand eight hundred and thirty, a patent for the lands
7 which have been assigned to them west of the Mississippi,
8 with the condition that the land so granted shall revert to the
9 United States if it shall be abandoned by the tribe, or
10 the tribe become extinct; and the faith of the United
11 States is hereby pledged, that the land thus secured to them
12 shall remain without the boundaries of any State: *Provided,*
13 That it shall be lawful to include them within the limits of
14 any Territorial Government that may be established for their

15 protection, and that of the other Indian tribes inhabiting that
16 region.

1 SEC. 2. *And be it further enacted,* That the President
2 of the United States be, and he is hereby, authorized to pur-
3 chase the right of occupancy of individual Indians, or of
4 Indian towns, or of the whole band of Indians residing in the
5 State of Georgia, in conformity with the stipulation in the
6 fourth section of the articles of agreement and cession be-
7 tween the United States and Georgia, dated the twenty-fourth
8 of April, one thousand eight hundred and two.

SEC. 3. *And be it further enacted,* That there be paid,
out of any money in the Treasury not otherwise appropriated,
the sum of _____ dollars, for the pur-
chase of this right from such Indians as may emigrate in the
year one thousand eight hundred and thirty-five; and that
_____ commissioners be appointed by the President, to
ascertain the value of this right in each case; and no money
shall be paid for this object until their report is approved by
him. The same commissioners shall also ascertain the
amount that will be required for the extinguishment of
this right in the State of Georgia; and their report shall be
submitted to Congress at its next session, as the basis of
future appropriations.

1 SEC. 4. *And be it further enacted, That, as fast as the In-*
2 *dians are disposed to remove, the heads of families shall be*

3 enrolled for their families; and persons above the age of
 4 twenty-one, and not having families, shall be enrolled for
 5 themselves; and the improvement actually possessed and
 6 occupied by any such Indians on the day of
 7 shall be appraised in such
 8 manner as the President may direct. The amount of such
 9 appraisement shall be paid to such Indians on their arrival
 10 in the country west of the Mississippi river: *Provided, how-*
 11 *ever,* That when the President may deem it proper, for the
 12 purpose of paying just debts, he is authorized to cause a part
 13 of said money, not exceeding one-half thereof, to be paid to
 14 their creditors, when said Indians have emigrated; upon
 15 condition, however, that such creditors do not attempt, by
 16 process of law or otherwise, to interrupt the said Indians:
 17 *And provided, also,* That, after their enrolment, the right to
 18 said property shall be considered as having passed from the
 19 Indians, and vested in the proper authority or person.

1 SEC. 5. *And be it further enacted,* That the appraisers
 2 provided for in the fourth section shall appraise and sell the
 3 stock of cattle of the enrolled emigrants; and that other cat-
 4 tle, of a similar description and equal quality, shall be fur-
 5 nished to them west of the Mississippi, or the amount for
 6 which their cattle shall be sold be paid them in lieu thereof.
 7 The owner of the cattle so appraised and sold shall indicate

his choice of cattle or money at the time of the appraisement and sale.

SEC. 6. *And be it further enacted,* That it shall be lawful for the President of the United States to cause the said Indians to be removed by contract, or by means of persons appointed for that purpose; or, if said Indians prefer it, to allow them a reasonable sum as a commutation for the expenses thereof: *Provided,* That such commutation shall be allowed to those only who, in the opinion of the proper officer, are competent to provide for and take care of themselves; but in such cases an arrangement may be made, with the consent of the Indians, for their removal, by any of the said Cherokees whom the superintendent may deem competent to the business, and the money allowed therefor shall be paid to the person so removing such Indians; and, in addition to such commutation, the sum of dollars shall be allowed to the person so removing said Indians, for each Indian so removed.

SEC. 7. *And be it further enacted,* That to each family removed by the agent of the United States shall be given a half or surveyor's tent; and to every twenty persons shall be furnished a four-horse wagon to transport the baggage. That the daily allowance of food upon the route shall be one pound of beef or pork, one pound of good wheat bread, biscuit, or corn meal, and two quarts of salt, to every hundred persons.

1 SEC. 8. *And be it further enacted,* That to all the Che-
 2 rokees, after their arrival in their new country, shall be given
 3 subsistence for twelve months of the meal, meat, and salt be-
 4 fore mentioned ; or that a commutation shall be given them
 5 therefor, to consist of a full equivalent in live stock, of good
 6 quality, at the lowest contract prices.

1 SEC. 9. *And be it further enacted,* That there shall be
 2 allowed to each male Indian above the age of twenty-one, a
 3 rifle, bullet moulds, &c., two pounds of powder, eight pounds
 4 of lead, and five pounds of tobacco ; and to each family, one
 5 brass kettle, together with such axes, ploughs, hoes, cards
 6 and looms, as the President may direct, to be determined by
 7 the number and condition of such family, and to be fixed at
 8 the time of enrolment, under instructions to be issued by the
 9 War Department: *Provided, however,* That no family shall
 10 be allowed more than one loom or one plough, nor more than
 11 two wheels, or two pairs of cards, nor more than three axes
 12 or four hoes ; and to each person there shall be granted one
 13 Mackinaw blanket, of a size proportioned to the age of such
 14 person ; all of which articles shall be procured and delivered
 15 in such manner and at such times as the President may di-
 16 rect. The sum of ten dollars, stipulated to be paid to an
 17 emigrant from the State of Georgia, in the eighth article of
 18 the treaty of sixth May, eighteen hundred and twenty-eight,

19 shall, under the same circumstances, and in like manner, be
 20 paid to every emigrant from the States of North Carolina,
 21 Tennessee, and Alabama.

1 SEC. 10. *And be it further enacted*, That the President
 2 be, and he is hereby, authorized to cause a census to be taken
 3 of all the Cherokee Indians east and west of the Mississippi
 4 river, in which shall be distinguished those who are orphans ;
 5 which census shall be the basis of all the payments hereinaf-
 6 ter stipulated to be made for annuities or other objects.

1 SEC. 11. *And be it further enacted*, That there shall be
 2 paid to the Cherokee Indians an annuity of
 3 dollars for years, when they shall all have re-
 4 moved to their new country; and to those already there, or
 5 who shall hereafter remove, the proportion of that sum which
 6 their numbers bear to the whole nation: *Provided*, That no
 7 part of said annuity shall be paid until one thousand Chero-
 8 kees have emigrated under the provisions of this act. This
 9 annuity shall be paid in the manner herein prescribed for a
 10 term of years.

1 SEC. 12. *And be it further enacted*, That as soon as the
 2 Cherokees who are now east of the Mississippi remove west,
 3 under the provisions of this act, there shall be erected in the
 4 Cherokee country west, seven school-houses, to cost not more
 5 than six hundred dollars each; two council-houses, to cost
 6 not more than eight hundred dollars each; twelve corn mills,

7 to cost not more than two hundred and fifty dollars each; and
 8 three blacksmiths' establishments, to cost not more than one
 9 thousand dollars each; and there shall be provided a printing
 10 press, with implements and apparatus complete, to cost not
 11 more than twelve hundred dollars. And further, that three
 12 thousand dollars shall be annually appropriated to the sup-
 13 port of the schools: *Provided*, That until one thousand Che-
 14 rokees remove, none of the foregoing provisions shall be put
 15 into execution; and then, that there shall be erected one
 16 church, one school-house, two houses for principal chiefs, two
 17 mills, and one blacksmith's establishment. That as soon
 18 thereafter as one other thousand shall remove, there shall be
 19 erected one council-house, with one other of each of the build-
 20 ings or establishments named above in this proviso, except
 21 mills, of which there shall be two. That as soon as four
 22 thousand emigrate, there shall be erected one other coun-
 23 cil-house, two other school-houses, three other houses for prin-
 24 cipal chiefs, three other mills, and that the printing press
 25 shall be then established. That as soon as seven thousand
 26 shall have removed west, the remainder of the stipulations
 27 named in this section shall be carried into full effect.

1 SEC. 13. *And be it further enacted*, That ten thousand
 2 dollars shall be, and is hereby, appropriated for the benefit
 3 of the orphan children of the Cherokee Indians, and that this
 4 sum be invested in such productive fund, and be applied to

5 the aforementioned purpose, in such manner as the Presi-
6 dent of the United States may direct: *Provided*, That the
7 interest accruing upon this fund shall be annually invested
8 and added to the principal, until four thousand Cherokees
9 shall have removed west, when the annual interest upon the
10 accumulated fund shall be appropriated as above provided.

1 SEC. 14. *And be it further enacted*, That so much of this
2 act as relates to the emigration west, of the Cherokees in the
3 States of Georgia, North Carolina, Alabama, and Tennessee,
4 and to the stipulations in their favor arising out of said emi-
5 gration, shall be and continue in force for three years after
6 the passage of said act, and no longer.

1 SEC. 15. *And be it further enacted,* That all persons re-
2 moving, by virtue of this act, shall be entitled to their just
3 proportion of any advantages which may be secured to
4 the Cherokees by any future law or arrangement with them.
5 And they shall also be entitled to their fair proportion of the
6 annuities now due to the said Indians, to be paid to them
7 west of the Mississippi.

SEC. 16. And be it further enacted, That, in order to carry into effect the provisions of this act, the sum of _____ dollars shall be, and the same is hereby, appropriated.